

IN RE: PETITION FOR ADMIN. VARIANCE  
E/S Dawnvale Road, 150' N of  
the c/l of Walter Avenue  
(9503 Dawnvale Road)  
11th Election District  
5th Councilmanic District  
Steven J. Timchula, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 93-149-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Steven J. and Beverly A. Timchula. The Petitioners request relief from Sections 1802.3C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 of the 1969 Regulations) to permit a side yard setback of 2.6 feet in lieu of the minimum required 9 feet for a proposed carport, in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of December, 1992 that the Petition for Administrative Variance requesting relief from Sections 1802.3C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section 211.3 of the 1969 Regulations) to permit a side yard setback of 2.6 feet in lieu of the minimum required 9 feet for a proposed carport,, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) At no time shall the subject carport be enclosed. The carport shall remain open on the three exposed sides.
- 3) Petitioners shall install proper rainspouts and guttering to insure that all water runoff from the carport is diverted towards Dawnvale Road and away from the adjoining property.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

THK:bjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

December 15, 1992

(410) 887-4386

Mr. & Mrs. Steven J. Timchula  
9503 Dawnvale Road  
Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE  
E/S Dawnvale Road, 150' N of the c/l of Walter Avenue  
(9503 Dawnvale Road)  
11th Election District - 5th Councilmanic District  
Steven J. Timchula, et ux - Petitioners  
Case No. 93-149-A

Dear Mr. & Mrs. Timchula:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

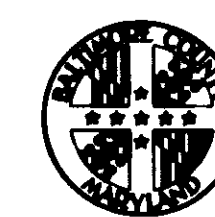
Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

THK:bjs

cc: People's Counsel

*File*



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 9503 DAWNVALE ROAD

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3C.1 (211.3 1969 Regs) and 301.1 To allow a carport, a setback of 2.6' in lieu of the required 9'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
WE WISH TO CONSTRUCT A CARPORT THAT WILL ADJOIN OUR HOUSE TO PROVIDE SAFETY AND PROTECTION.  
IN ORDER TO PROVIDE A PARKING AREA WITHOUT DISTURBING THE SIDE ENTRANCE INTO OUR HOUSE, THE CARPORT WILL HAVE TO EXTEND TO A WIDTH OF 13 FEET. BY DOING THIS, THERE WILL BE 2.6 FEET FROM THE CLOSEST CORNER OF THE CARPORT, AT THE REAR, TO THE LOT LINE.  
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

(We, as attorney, declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

STEVEN J. TIMCHULA

Signature

BEVERLY A. TIMCHULA

Signature

9503 DAWNVALE RD., 892-1038 (W)

Address

BALTIMORE MD. 529-6574 (H)

City

21236

State

STEVEN J. TIMCHULA

Name

9503 DAWNVALE RD. 529-6574

Address

Phone No.

9503 DAWNVALE RD. 529-6574

Address

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Phone No.

9503 DAWNVALE RD. 529-6574

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

November 25, 1992 (410) 887-3353

Mr. and Mrs. Steven J. Timchula  
9503 Dawnvale Road  
Baltimore, MD 21236

RE: Case No. 93-149-A, Item No. 158  
Petitioner: Steven J. Timchula, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Timchula:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 4th day of November, 1992.

ARNOLD JABLON  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Steven J. Timchula, et ux  
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: *James A. Ramsey* Date: 11/23/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Charles L. and Maureen Lamoreaux	148			11-16-92 NC
Stephen F. and Christopher S. Jencks	154			Comment
John and Carol Villanova	156			NC
Keys Development Corporation	157			Comment
Steven J. and Beverly A. Timchula	158			NC
Steven M. and Deborah S. Faulkner	159			NC
Ralph L. and Elsie M. Hackler	160			NC
Theresa Rykaczewski	161			NC
Jean Romadka	162			NC
Residuary T. of Milton Schwaber - Carroll Independent Fuel	163			Comment

Rec'd 11/23/92

SHA Maryland Department of Transportation  
State Highway Administration

11/10/92

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 158 (CAM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
David Ramsey 11/11/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

RECEIVED  
NOV 10 1992  
ZONING OFFICE

My telephone number is \_\_\_\_\_  
Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: November 17, 1992

FROM: Ervin McDaniel, Chief  
Office of Planning and Zoning  
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee  
(November 16, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Charles and Maureen Lamoreaux, Item No. 148  
John and Carol Villanova, Item No. 156  
Steven and Beverly Timchula, Item No. 158  
Theresa Rykaczewski, Item No. 161  
Jean Romadka, Item No. 162

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *Francis Morsey*  
Division Chief: *Ervin McDaniel*  
EMC/PM:rdn

148/566.61/2AC1  
Rec'd 11/23/92

Development Review Committee Response Form  
Authorized signature: *W. Carl Richards Jr.* Date: 11/23/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Charles L. and Maureen Lamoreaux	148			11-16-92
Stephen F. and Christopher S. Jencks	154			W/C
John and Carol Villanova	156			W/C
Keys Development Corporation	157			W/C
Steven J. and Beverly A. Timchula	158			W/C
Steven M. and Deborah S. Faulkner	159			W/C
Ralph L. and Elsie M. Hackler	160			W/C
Theresa Rykaczewski	161			W/C
Jean Romadka	162			W/C
Residuary T. of Milton Schwaber - Carroll Independent Fuel	163			W/C

W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

93-149-A 12-7-92

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature: *James A. Ramsey* Date: 11/24/92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Keys Development Corporation	157			11-16-92
Steven J. and Beverly A. Timchula	158			WRITTEN COMMENTS
Steven M. and Deborah S. Faulkner	159			NO COMMENTS
Ralph L. and Elsie M. Hackler	160			IN PROCESS
Theresa Rykaczewski	161			NO COMMENTS
Jean Romadka	162			WRITTEN COMMENTS
Residuary T. of Milton Schwaber - Carroll Independent Fuel	163			NO COMMENTS

COUNT 10

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Steven and Nadine Mosgin	129			11-2-92
Edward L. and Linda M. Gittings	134			NO COMMENTS
Kathleen Gaiser	135			NO COMMENTS
Charles E. Anderson	136			WRITTEN COMMENTS
Richard E. Shetrone Jay E. Boyd	137			NO COMMENTS

Baltimore County Government  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500

NOVEMBER 17, 1992 (410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: STEVEN J. TIMCHULA AND BEVERLY A. TIMCHULA  
Location: #9503 DAWNVALE ROAD  
Item No.: \*158(CAM) Zoning Agenda: NOVEMBER 16, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl J. Hefner* Noted and Approved  
Planning Group  
Special Inspection Division  
Fire Prevention Bureau

JP/KEK



Dec 8 73 149-A

12/28/92 7536-22  
Y

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: December 14, 1992

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 149  
Bauer Property  
Chesapeake Bay Critical Area Findings

RECEIVED  
DEC 23 1992  
ZONING OFFICE

SITE LOCATION

The subject property is located at 8618 Sandy Plains Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Irving Russell and Joyce Louise Bauer

APPLICANT PROPOSAL

The applicant has requested a variance from section 400.1 of the Baltimore County Zoning Regulations to permit a side yard with a zero foot setback in lieu of the required rear yard with a 2 1/2 foot setback to permit a detached existing accessory structure in the side yard. The applicant is also requesting a variance from section 415.A of the Baltimore County Zoning Regulations to permit three recreational vehicles in lieu of the permitted one.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

Mr. Arnold E. Jablon  
December 14, 1992  
Page 2

1. DEFINITION

"Development activities" means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures. <COMAR 14.15.01.01.B.21>

2.

Regulations: "Grandfathering. After program approval, local jurisdictions shall permit the continuation, but not necessarily the intensification or expansion, of any use in existence on the date of program approval, unless the use has been abandoned for more than one year or is otherwise restricted by existing local ordinances. If any existing use does not conform with the provisions of a local program, its intensification or expansion may be permitted only in accordance with the variance procedures outlined in COMAR 14.15.11" <COMAR 14.15.02.07.A>

Finding: Neither variance proposes any development activities as defined above, and are therefore not subject to Critical Area development regulations. The structure in question was in existence on the date of Baltimore County's Chesapeake Bay Critical Area Program, February 1988, and has not been abandoned for more than one (1) year. Therefore, the Chesapeake Bay Critical Area Program shall permit the continued use of this structure.

CONCLUSION

Since no new work is required in conjunction with this variance request, this proposal is in compliance with the Maryland State Criteria and the Baltimore County Code pertaining to the Chesapeake Bay Critical Area. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

JJD:WH:ju

BAUER/TXTN55

J. James Dieter  
Director  
Department of Environmental Protection  
and Resource Management



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 9503 DAWNVALE RD.  
Subdivision name: DAWNVALE "B"  
plat book # 34, folio # 52, lot # 18, section #  
OWNER: STEVE TIMCHULA

see pages 5 & 6 of the CHECKLIST for additional required information

North  
date: 10-16-92  
prepared by: P.C.S.

Scale of Drawing: 1" = 20'

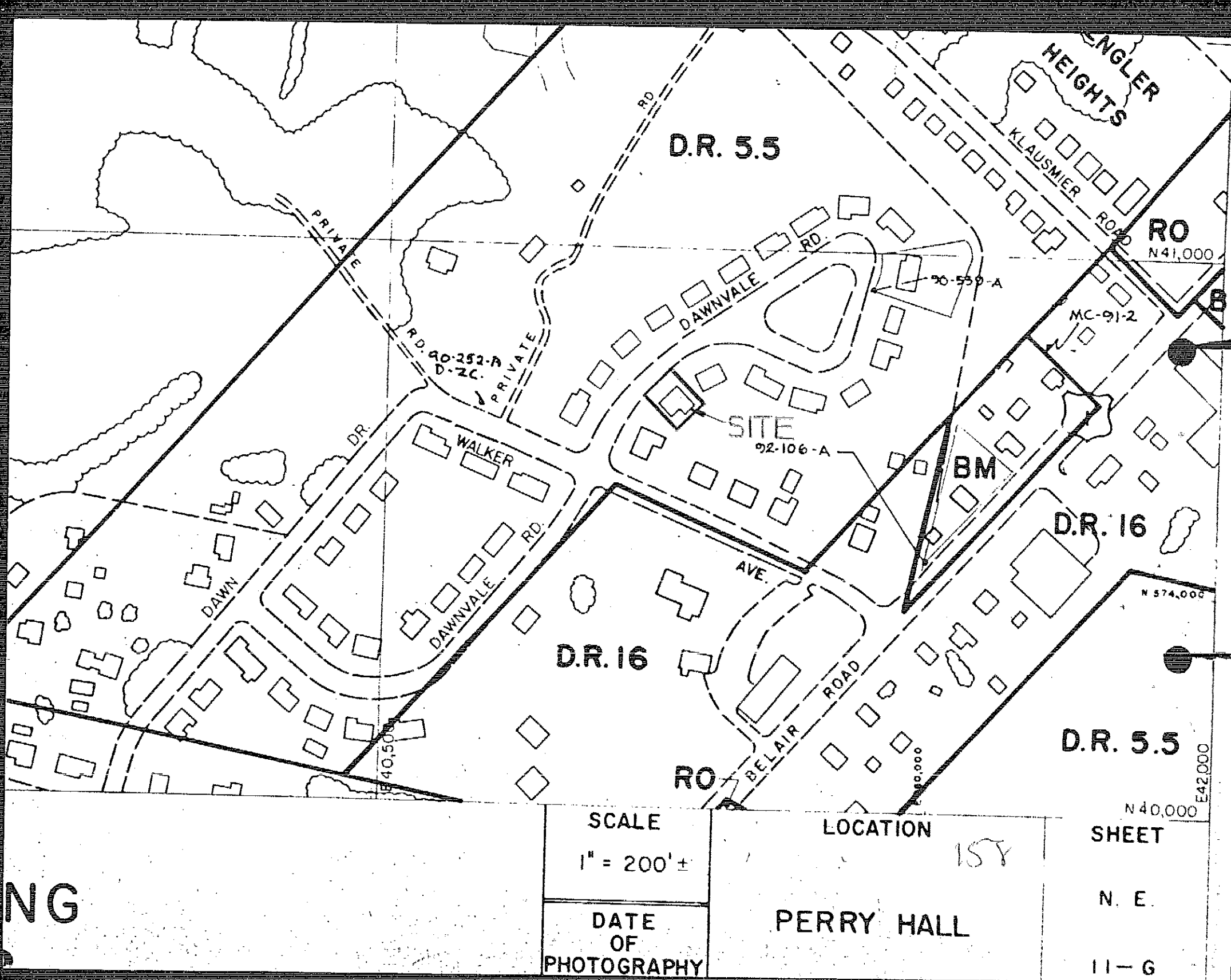
LOCATION INFORMATION  
Councilmanic District: 5  
Election District: 11  
1"=200' scale map: NE 11 G  
Zoning: DR. 5.5  
Lot size: 0.19 acreage 8299 square feet  
SEWER: ☒  
WATER: ☒  
Chesapeake Bay Critical Area: ☒  
Zoning Hearings: ☒  
Zoning Office USE ONLY!  
reviewed by: CAM  
ITEM #: 158  
CASE#:



BALTIMORE COUNTY  
AND ZONING  
MAP

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E. 11-G
DATE OF PHOTOGRAPHY JANUARY 1986		

93-149-A



SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	N.E. 11-G
DATE OF PHOTOGRAPHY		